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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,458	08/25/1999	YOSHIHIRO WATANABE	21.1918	5255

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EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/382,458

Applicant(s)

WATANABE, YOSHIHIRO

Examiner

Ricardo M. Pizarro

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/12/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6, 8, 10-12 and 15 is/are allowed.
- 6) ☒ Claim(s) 1, 7, 9, 13, 14, 16, 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 9, 13, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi.

Takahashi (US No. 6, 282,197) discloses an ATM switching apparatus, comprising: means for determining whether a received message is a request message for a first path (e.g setup message, col 2 lines 65-67, col 3 lines 1-5, col 10 line 43), the request message including a requested bandwidth information for a plurality of paths set for the service required by the subscriber (e.g. PCR rate, col 4 lines 41-44), means for securing a bandwidth based on the requested bandwidth information set in the request message for the first path between the service provider and the subscriber in response to receiving the request message for the first path (col 4 lines 49-55 ,col 17 lines 4-5), as in claims 1, 7, 13, 14; extraction means to retrieve messages from a subscriber (col 10 lines 41-53), a message determination device to determine whether the message extracted by the message extraction device is a request message for a first path between the service provider and the subscriber (col 10 lines 41-53) and a bandwidth securing and processing device to secure a bandwidth information request message in response to receiving the request message for the first path (col 17 lines 1-7) , as in claim 9; sending a request message from the subscriber to the switching system to set in order of large bandwidth to small

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bandwidth the various bandwidth which correspond to multiple paths required to provide the service (e.g. QOS, Fig. 9, col 16 lines 66-67, col 17 lines 1-9) , securing the bandwidth required between the service provider and the subscriber in order of large bandwidth to small bandwidth in response to the request message (e.g. QOS, Fig. 9, col 16 lines 66-67, col 17 lines 1-9), as in claim 16; a path selecting device (selecting unit) , a message transmitting device to transmit a request message transmitting unit) and a received message processing device (rewriting unit) to determine whether any paths have to be set, (col 5 lines 38-50, col 6 lines 15-27) in claim 17.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to since the switching unit disclosed by Takahashi stores information concerning a plurality of paths and is capable of transmitting a request containing information on a virtual path selected for the call among a plurality of virtual paths would have been able to transmit a request message concerning information for multiple paths with the motivation of obtaining a switching apparatus wherein there is less probability that the initial message is rejected due to a difference of the bandwidth calculating algorithms.

Conclusion

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Allowability of claim 17 is hereby withdrawn due to further search.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 872-9314

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

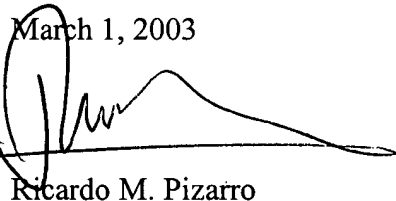
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (703) 305-1121. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Douglas Olms**, can be reached on (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

March 1, 2003

A handwritten signature in black ink, appearing to read 'Ricardo M. Pizarro', is written over a horizontal line. The signature is stylized with a large initial 'R' and a long, sweeping tail.

Ricardo M. Pizarro